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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DATE 8-1-11

UNITED STATES OF AMERICA

v.

NO. 09-CR-10017-GAO

TAREK MEHANNA,
Defendant.

**MOTION FOR LEAVE TO FILE MEMORANDUM AMICUS CURIAE OF THE
AMERICAN CIVIL LIBERTIES UNION OF MASSACHUSETTS
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS
PORTIONS OF THE SECOND SUPERSEDING INDICTMENT**

The American Civil Liberties Union of Massachusetts (ACLUM) moves for leave to file its proposed Memorandum as amicus curiae in support of the Defendant's Motion to Dismiss portions of the second superceding indictment. The grounds for this motion are as follows.

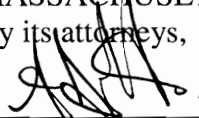
The prosecution of Tarek Mehanna raises important questions about the use of charges of conspiracy and material support for terrorism in the context of activities which are expressive in nature and protected by the First Amendment. In times of crisis and war, historically, individuals who express disfavored views have been targeted for prosecution, jeopardizing the freedoms fundamental to a democracy.

The ACLU of Massachusetts, a state affiliate of the ACLU, is a nonprofit, non-partisan membership organization of approximately twenty thousand members that seeks to protect the rights established in the U.S. and Massachusetts Constitutions. ACLUM has long defended the rights of expression of persons whose views are unpopular, including representing some of the defendants in the conspiracy trial of Dr. Benjamin Spock and others. *See United States v. Spock*, 416 F.2d 165 (1st Cir. 1969) (cautioning about use of conspiracy charges where First Amendment activity is involved).

ACLUM believes that its proposed Memorandum Amicus Curiae may provide a useful guide to this Court in considering the Defendant's Motion to Dismiss, and requests permission to file it.

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS,

By its attorneys,



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Dated: July 29, 2011

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served by first class mail this 29th day of July, 2011, on each of the following counsel by depositing it in a U.S. postal box addressed to:

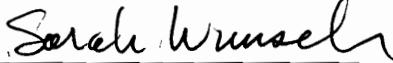
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